

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

---

|                           |   |                        |
|---------------------------|---|------------------------|
| UNITED STATES OF AMERICA, | : |                        |
|                           | : | Case No. 5:97-cr-00090 |
| Plaintiff,                | : |                        |
|                           | : |                        |
| vs.                       | : | OPINION & ORDER        |
|                           | : | [Resolving Doc. 141]   |
| ALEXANDER YAROMICH,       | : |                        |
|                           | : |                        |
|                           | : |                        |
| Defendant.                | : |                        |

---

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Alexander Yaromich filed a motion for a sentence reduction under the compassionate-release statute.<sup>1</sup> The Government moves to hold Yaromich's compassionate-release motion in abeyance until the Sixth Circuit releases its *en banc* opinion in *United States v. McCall*.<sup>2</sup> Because *McCall* will guide the Court's analysis, the Court **GRANTS** the Government's motion.

In 1997, a jury convicted Yaromich of firearms and bank-robbery charges.<sup>3</sup> The Court sentenced Yaromich to 610 months' incarceration.<sup>4</sup>

Yaromich argues that statutory-minimum sentencing requirements, that Congress has since modified, make his 1997 sentence significantly harsher than one he would receive for the same charges today.<sup>5</sup> He further argues that this nonretroactive sentencing-law change creates an extraordinary and compelling reason to reduce his sentence.<sup>6</sup>

The Court has recently ordered other defendants' compassionate-release motions held

---

<sup>1</sup> Doc. 136; 18 U.S.C. § 3582(c)(1)(A)(ii). Yaromich's counsel supplemented his pro se motion. Doc. 140.

<sup>2</sup> Doc. 141.

<sup>3</sup> Doc. 62.

<sup>4</sup> Doc. 91.

<sup>5</sup> Doc. 140 at 4 (PageID 214).

<sup>6</sup> *Id.*

Case No. 1:97-cr-00090  
Gwin, J.

in abeyance pending the *en banc McCall* decision.<sup>7</sup> As the Court has explained, the Sixth Circuit's ruling will clarify conflicting panel decisions about how nonretroactive sentencing-law changes affect compassionate-release motions.<sup>8</sup>

So, the Court **GRANTS** the Government's motion to hold Yaromich's compassionate-release motion in abeyance until after the Sixth Circuit issues its *en banc* decision in *United States v. McCall*. The Court directs the parties to advise the Court of any Sixth Circuit *McCall* decision within five days of the filing of any Sixth Circuit opinion.

IT IS SO ORDERED

Dated: November 1, 2022

s/ James S. Gwin  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

---

<sup>7</sup> *E.g.*, 1:14-cr-00214, Docs. [1338](#), [1345](#).

<sup>8</sup> *See id.*